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Viewing cable 07PORTAUPRINCE1224, JUSTICE MINISTER MOVING ON JUSTICE REFORM

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#07PORTAUPRINCE1224.

Reference ID	Created	Released	Classification	Origin
07PORTAUPRINCE1224	2007-07-13 15:30	2011-08-30 01:44	CONFIDENTIAL	Embassy Port Au Prince

Appears in these articles:

<http://www.haiti-liberte.com/archives/volume4-51/vendeur%20de%20drogue.asp>

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SUBJECT: JUSTICE MINISTER MOVING ON JUSTICE REFORM

Classified By: Classified by Ambassador Janet A. Sanderson for reasons 1.4(b) and (d).

¶1. (C) Summary. Justice Minister Rene Magloire on July 3 told the Ambassador that his ministry was moving forward to vet Haiti's judges, even as his legislative reform proposals remain stalled in parliament. Because most judicial terms will expire in the coming months, the minister will use the opportunity to review the performance of all judges and expected to fire a number of poor performers. The Ambassador advised the minister that the USG was moving toward a decision to provide funding for prison renovations, news that he enthusiastically welcomed. While the minister was his usual passive self reporting on the status of reform in parliament, he was as engaged and energetic as we have ever seen him on other reform measures in the works -- an encouraging signal that the GoH will be able to proceed with judicial reform at least to some degree. End Summary.

Reform in Parliament

¶2. (C) The justice minister received the Ambassador and Polcouns in his office to discuss recent developments within his ministry. When asked about the status of his proposed reform legislation before the parliament, the minister replied wanly that he was waiting to hear some news from parliamentary leadership on when they might take action. He understood that Senator Youri Latortue, president of the senate's justice committee, had proposed numerous changes, but he had yet to hear specific counter-proposals. He related that he had told Latortue that he was open to any changes that the parliament wished to consider, but wanted to be included in their consultations. (Comment. From other sources involved in justice reform, we hear that this has been Magloire's consistent message since he first submitted his proposals to parliament -- "go ahead and make changes -- please let me know" -- an remarkably passive stance from the point man on what is one of President Preval's avowed legislative priorities. End comment.)

Reform in the Ministry

¶3. (C) Magloire reported that in the meantime, he will proceed to vet all of Haiti's judges, pending the approval of his proposed legislation that would establish a formal certification process. Because the terms of Haiti's judges will expire in the coming months, the minister will take the opportunity to review the performance of each judge in terms of both workload and the content of their decisions, before deciding whether or not to renew their mandates. The minister would conduct the review under the auspices of the current "Superior Judicial Council" that is constitutionally responsible for judicial discipline. Though the president of the supreme court presides over the council and the justice minister is only a member, Magloire said that the supreme court president was satisfied to let him take the lead in the vetting process and would not take an active role. Ministry personnel would conduct the performance reviews without outside help, and Magloire expected to dismiss a "significant number" of judges in the process. (Comment: We assume that Magloire referred to circuit level judges, who serve seven-year terms, and most recently were appointed, en masse, under President Aristide. Replacing the current judicial council, widely acknowledged to be completely ineffective, is a key element of the reform package before parliament. End Comment.)

¶4. (SBU) Magloire stated that his other priority regarding

reform in advance of the passage of reform legislation was the re-opening of the magistrates' school. He hoped to work with USAID through its judicial assistance program in re-invigorating the school. The Ambassador replied that USAID was finalizing the details of the next phase of our judicial assistance, and that we would consult with the minister on how we could assist in supporting the school. (Note: Key elements in the proposed reform legislation covering the magistrate's school would establish strict criteria for the hiring and training of both judges and prosecutors ("magistrats"). Magloire pointed out that the school could in the meantime still be utilized to conduct training. End Note.)

15. (U) Magloire concluded his thoughts on reform by emphasizing that Haiti had to modernize its outdated Napoleonic system. No one, he noted, not even France, continued to use the original Napoleonic model. He did not expect Haiti to move fully to adopt a system of common law, but he hoped to modernize the legal code nonetheless. The most important issue was to end the "cabinets of instruction" where judges of instruction deliberated and rendered decisions behind closed doors. This lack of transparency allowed corruption to flourish.

Prison Assistance

16. (SBU) The Ambassador informed the minister of her consultations within the Department the previous week and reported that the USG was finalizing plans to provide assistance to renovate Haiti's prison facilities. Magloire received the news enthusiastically, noting that his staff had completed an assessment of needs within the context of overall reform of facilities and showed the Ambassador the resulting document specifying what facilities were in need of what improvements.

Comment

17. (C) Magloire displayed his usual passivity in discussing the prospects of his reform legislation in parliament: his admission to ceding the initiative to Youri Latortue, Preval's and PM Alexis' most stalwart opponent, further demonstrates his lack of political savvy. However, hearing the details of plans to proceed with elements of justice reform, particularly the vetting of judges, was by turns surprising and heartening. On these topics, Magloire was as energetic and well-briefed as we have ever seen him. Since it appears that Magloire has weathered recent criticism and will remain in place, we are encouraged that if the GoH can overcome the political hurdle of getting its reform proposals through parliament, Magloire will actively work to implement them.

SANDERSON